

PROB 12B
(7/93)

UNITED STATES DISTRICT COURT

FILED

APR 18 2019

for

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY

DEPUTY CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael Badillo Case Number: SA-08-CR-00043(9)-OLG
 Name of Sentencing Judicial Officer: Honorable Orlando L. Garcia, Chief United States District Judge
 Date of Original Sentence: September 16, 2010
 Original Offense: Conspiracy to Conduct the Affairs of an Enterprise Through a Pattern of Racketeering,
in violation of 18 U.S.C. § 1962
 Original Sentence: 168 months imprisonment followed by 5 years supervised release
 Type of Supervision: Supervised Release Date Supervision Commenced: February 22, 2019

PREVIOUS COURT ACTION

On April 12, 2019, a Report on Offender Under Supervision was approved by the Court allowing Mr. Badillo the opportunity to participate and complete a substance abuse relapse prevention program after he rendered a positive urine specimen for heroin.

PETITIONING THE COURT

- ☐ To extend the term of supervision ___ years, for a total of ___ years.
☒ To modify the conditions of supervision as follows:

The defendant shall participate in an inpatient substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.

The defendant shall not use or possess any controlled substances without a valid prescription. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions on the prescription.

The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.

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The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.

The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.


CAUSE

Since the commencement of supervision on February 22, 2019, Mr. Badillo has struggled with maintaining employment and sobriety. Most recently, he admitted to the use of heroin on March 11, 2019, April 8, 2019, and April 17, 2019.

A staffing was held with Mr. Badillo to address his continued substance use whereby he admitted using drugs because of stress related to adjusting to society after long term confinement, family matters, and a lack of coping skills. Although Mr. Badillo has participated with several Bureau of Prisons substance abuse education programs, he recognizes the need for more formal substance abuse and/or cognitive behavioral counseling/treatment to provide him the tools to develop the necessary skills to maintain sobriety. He acknowledged the need for a structured intensive substance abuse program and agreed to the modification as evidenced by the attached Program Form 49.

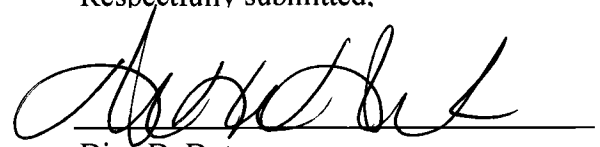
Based upon this information, the U.S. Probation Officer respectfully requests the modification of the offender's Court ordered conditions to include those listed in this report. Any further violations of his conditions of supervised release will be promptly reported to the Court.

Approved:



Tracy L. Tate
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55317

Respectfully submitted,



Dina D. Dutson
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55387
Date: April 17, 2019

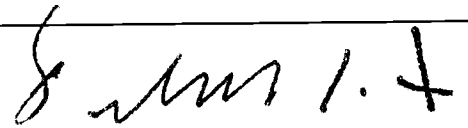
cc: Sarah Wannarka
Assistant U.S. Attorney

Rick Golden, Jr.
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ None.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other _____



Honorable Orlando L. Garcia
Chief U.S. District Judge


Date

PROB 49
(3/89)

United States District Court
Western District of Texas

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.

The defendant shall participate in an inpatient substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.

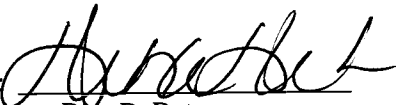
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Witness:


Dina D. Dutson
U.S. Probation Officer

Signed:


Michael Badillo
Probationer or Supervised Releasee

4/17/19
Date